

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-1-**

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 7, 2006, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Margaret K. Peterson  
Steve Vincent  
Mike Winder

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman

STAFF PRESENT:

Russell Willardson, Public Works Director  
Richard Catten, City Attorney  
Jim Welch, Finance Director  
Kevin Astill, Parks and Recreation Director  
John Evans, Fire Chief  
Buzz Nielsen, Police Chief  
Steve Lehman, Acting CED Director  
Nicole Cottle, Law Department  
Richard Bradford, CED Department

12542 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mayor Dennis Nordfelt who read a quote by Shirley Trusty Corey “The arts must be considered an essential element of education . . . . They are tools for living life reflectively, joyfully, and with the ability to shape the future.” He also invited everyone to attend Arnold Friberg’s *The Ten Commandments* exhibit scheduled for display at the Utah Cultural Celebration Center, March through May 2006.

## **MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-2-**

12543      **SCOUTS**

Mayor Nordfelt welcomed Scout Troop Nos. 947, 3664 and 943 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

12544      **APPROVAL OF MINUTES OF STRATEGIC PLANNING MEETING  
HELD JANUARY 13 & 14, 2006**

The Council read and considered the Minutes of the Strategic Planning Meeting held January 13 & 14, 2006. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Strategic Planning Meeting held January 13 & 14, 2006, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

12545      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY  
17, 2006**

The Council read and considered the Minutes of the Regular Meeting held January 17, 2006. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held January 17, 2006, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-3-**

Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

12546      **GRANGER LITTLE LEAGUE FOOTBALL PRESENTATION OF NATIONAL “PIG SKIN CLASSIC” TOURNAMENT TROPHY TO WEST VALLEY CITY**

Acting City Manager, Paul Isaac, stated a representative of Granger Little League Football had been scheduled to make a presentation of a trophy to West Valley City; however, there appeared to be no one in attendance to do so.

12547      **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, there was no one in attendance who desired to address the City Council during the Comment Period.

12548      **PUBLIC HEARING, APPLICATION NO. ZT-8-2005, WEST VALLEY CITY, AMEND CHAPTER 7-14 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE BY ENACTING 7-14-300P – PART 3 – MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS, ORDINANCE NO. 06-09**

Acting City Manager, Paul Isaac, presented Application No. ZT-8-2005, filed by West Valley City, and proposed Ordinance No. 06-09 which would amend Chapter 7-14 of Title 7 of the West Valley City Municipal Code by enacting 7-14-300P – Part 3 – Multi-Family Residential Design Standards.

Mr. Isaac stated the Urban Design chapter of the General Plan encouraged design standards for new development. To comply with the City’s General Plan the City had adopted design standards for commercial development and for single-family residential development, but not for multi-family development.

The Acting City Manager indicated the proposed ordinance included standards for the following: pedestrian access and circulation, building materials, building relief, windows, building design, garages, roofs, amenities, fencing, open space and other general requirements.

Mr. Isaac further stated the intent of the proposed ordinance was to promote quality multi-family residential development while allowing design flexibility. He indicated the proposed ordinance was also intended to provide multi-family residential developers clear direction on City expectations.

## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-4-

The Acting City Manager explained the proposed ordinance had been continued one time to allow staff to revise the amenities section, add an open space requirement, and to meet with multi-family residential developers. He stated each of those tasks had been accomplished. He further stated the meeting with developers had been helpful with staff making several revisions to the proposed ordinance as a result of the developers' input. Mr. Isaac indicated developers suggested incorporating more flexibility in the standards and using development agreements to provide another means of obtaining approval.

Acting City Manager, Paul Isaac, stated a public hearing had been scheduled for the Council to hear and consider public comments.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing. (Refer to Item No. 12549)

12549

### **ORDINANCE NO. 06-09, APPLICATION NO. ZT-8-2005, WEST VALLEY CITY, AMEND CHAPTER 7-14 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE BY ENACTING 7-14-300P – PART 3 – MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS**

The City Council previously held a public hearing regarding Application No. ZT-8-2005, filed by West Valley City, and proposed Ordinance No. 06-09 which would amend Chapter 7-14 of Title 7 of the West Valley City Municipal Code by enacting 7-14-300P – Part 3 – Multi-Family Residential Design Standards.

Upon discussion, Councilmember Burt stated she desired further consideration be given to additional items being added regarding height restrictions and unit size.

After further discussion, Councilmember Burt moved to continue Application No. ZT-8-2005 and proposed Ordinance No. 06-09 to no date certain until issues regarding height restrictions and unit size could be studied. Councilmember Vincent seconded the motion. (Refer to Item No. 12548)

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-5-**

Unanimous. Proposed Ordinance No. 06-09 – continued to no date certain.

12550      **PUBLIC HEARING, APPLICATION NO. ZT-10-2005, WEST VALLEY CITY, AMEND SECTIONS 7-6-1103, 7-5-1104 AND 7-6-1006 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE MANUFACTURING ZONE, ORDINANCE NO. 06-10**

Acting City Manager, Paul Isaac, presented Application No. ZT-10-2005, filed by West Valley City, and proposed Ordinance No. 06-10 which would amend Sections 7-6-1003, 7-5-1004 and 7-6-1006 of Title 7 of the West Valley City Municipal Code regarding the Manufacturing Zone.

Mr. Isaac stated the proposed amendment would address uses adjacent to residential zone boundaries and clarify fencing requirements.

The Acting City Manager reported Section 7-6-1003 listed uses required to be processed as a conditional use in a Manufacturing Zone. He stated this revision to the ordinance would require any development in a manufacturing zone adjacent to an existing or proposed residential use to be processed as a conditional use. It also clarified the fencing standards so that the minimum fence height would be six feet. He explained this would give the Planning Commission the ability to require a taller fence if necessary to mitigate any negative impacts to adjacent residential uses.

Acting City Manager, Paul Isaac, stated a public hearing had been scheduled for the Council to hear and consider public comments.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing. (Refer to Item No. 12551)

12551      **ORDINANCE NO. 06-10, APPLICATION NO. ZT-10-2005, WEST VALLEY CITY, AMEND SECTIONS 7-6-1103, 7-6-1104 AND 7-6-1106 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE MANUFACTURING ZONE**

The City Council previously held a public hearing regarding Application No. ZT-10-2005, filed by West Valley City, and proposed Ordinance No. 06-10 which would amend Sections 7-6-1003, 7-6-1104 and 7-6-1106 of Title 7 of the West Valley City Municipal Code regarding the Manufacturing Zone.

## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-6-

Upon discussion, Councilmember Burt requested staff review line 56 on page 3 as a particular type of tree specified actually had a large root system. Councilmember Winder stated a coniferous tree had a shallower root than a deciduous tree.

After further discussion, Councilmember Winder moved to continue Application No. ZT-10-2005 and proposed Ordinance No. 06-10 to no date certain and send back to staff for additional review. Councilmember Peterson seconded the motion. (Refer to Item No. 12550)

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

### 12552      **PUBLIC HEARING, APPLICATION NO. S-19-2005, JORDAN BANGERTER, APPROVE AMENDMENT TO LOT 319 IN THE MEADOW BREEZE NO. 3 SUBDIVISION, ORDINANCE NO. 06-11**

Acting City Manager, Paul Isaac, presented Application No. S-19-2005, filed by Jordan Bangerter, and proposed Ordinance No. 06-11 which would give final plat approval regarding an Amendment to Lot 319 in the Meadow Breeze No. 3 Subdivision located at 6120 West 3500 South.

Mr. Isaac stated the subject subdivision had been recorded with the Salt Lake County Recorder's Office in November of 2005. He further stated the amendment would simply divide Lot 319 into an additional building lot. He indicated both lots were well in excess of the frontage and area requirements of the 'R-1-8' zone.

The Acting City Manager reported as the Meadow Breeze No. 3 Subdivision was nearing completion, the property owner of Lot 319 (who was different than the Applicant), determined he would like to create an additional building lot. He explained because Mr. Bangerter was ready to record the Meadow Breeze No. 3 Subdivision, both parties determined it would be better to propose an amendment

## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-7-

of the subdivision rather than prolonging the recording of Mr. Bangerter's subdivision.

Mr. Isaac stated the amended plat had been submitted for the City's review and approval. He also stated Lot 319, as recorded, contained 46,846 square feet. There was an existing dwelling that would remain as part of Lot 319A. He explained frontage for both of those lots would be gained from 3500 South Street.

The Acting City Manager reported all requirements and City approvals of Meadow Breeze No. 3 Subdivision would apply to the subject application as well. This would include ground water information and UDOT approval for access to 3500 South Street.

Acting City Manager, Paul Isaac, stated a public hearing had been scheduled for the Council to hear and consider public comments.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing. (Refer to Item No. 12553 & 12558)

12553

### **ORDINANCE NO. 06-11, APPLICATION NO. S-29-2005, JORDAN BANGERTER, APPROVE AMENDMENT TO LOT 319 IN THE MEADOW BREEZE NO. 3 SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-29-2005, filed by Jordan Bangerter, and proposed Ordinance No. 06-11 which would approve an Amendment to Lot 319 in the Meadow Breeze No. 3 Subdivision.

After discussion, Councilmember Vincent moved to approve Ordinance No. 06-11, An Ordinance Approving the Amendment of Lot 319 in the Meadow Breeze No. 3 Subdivision. Councilmember Burt seconded the motion. (Refer to Item No. 12552 & 12558)

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-8-**

Unanimous.

12554      **PUBLIC HEARING, DECLARE A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 4420 LINKS DRIVE TO BE SURPLUS AND APPROVE A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO MICHAEL AND JOYCE SIBBETT, RESOLUTION NO. 06-18**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 06-18 which would declare a parcel of property located at approximately 4420 Links Drive to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to Michael and Joyce Sibbett.

Mr. Isaac stated Michael and Joyce Sibbett had signed the Real Estate Purchase Contract offering to buy a vacant 1.4 acre City-owned lot. He also stated the Sibbett's planned to build a Montessori School to accommodate up to 300 students.

Mr. Isaac reported the developer's family operated six similar schools in Colorado, New Mexico and Arizona. He also reported the West Valley operations would be the first in the State of Utah. He indicated the school would be useful to people working in the businesses in the Lake Park Corporate Centre.

The Acting City Manager explained the site extended 350 feet northwest and 170 feet southwest of the existing parking lot at the Stonebridge Golf Course. The site measured 59,500 square feet or 1.3659 acres. The site was located at about 4420 West Links Drive. He also explained the Sibbett's, their architect, engineer, and surveyor had met with the City's Development Staff Committee January 17, 2006, to work on details in preparation for their meeting with the Planning Commission the following week.

Acting City Manager, Paul Isaac, stated a public hearing had been scheduled for the Council to hear and consider public comments.

Mayor Nordfelt opened the public hearing.

Mr. Mike Sibbett, 3910 Saddleback Road, Park City, Utah, addressed the City Council. Mr. Sibbett stated he and his wife, Joyce, desired to purchase the property to construct the Montessori pre-school. Mr. Sibbett stated he had met with City staff and the Lake Park Owners Association to work out all the issues. He discussed the site plan, building design and materials for the proposed school



## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-9-

which would match or compliment the existing clubhouse. Mr. Sibbett discussed a block wall and netting to be used to ensure safety of children on the playground area; along with a berm that would separate the parking lot from the street. He indicated businesses and employees in Lake Park were excited to see the project move forward. He expressed his desire to become a business partner with West Valley City by bringing their first school to West Valley City.

Councilmember Burt requested clarification regarding parking ingress and egress and the number of parking stalls.

Mr. Sibbett answered various questions by members of the City Council regarding the proposal.

Acting City Manager, Paul Isaac, advised the proposal had not yet gone through the Planning Commission process. Mayor Nordfelt reminded the only issue for consideration by the Council was the sale of the property.

Councilmember Vincent inquired if the sale of alcohol at the Clubhouse had been considered. Mr. Sibbett stated there would be no impact regarding alcohol being sold, as the Clubhouse had been there first and the pre-school/daycare was not considered a school in this case.

Councilmember Brooks inquired regarding hours of operation, in particular, start time. Ms. Sibbett answered hours of operation would probably be 6:00 A.M. to 6:00 P.M.; but the actual start time would be determined after consideration of the businesses in Lake Park whose employees would enroll their children. She stated there would be sessions during the day and most parents would drop children off and then leave.

Councilmember Brooks stated the school parking lot might be used as overflow during golf tournaments which could be a challenge. Mr. Sibbett stated that issue had been considered and he believed the parking scheme would minimize that issue. He further stated, however, the parking lot should be ample size for some golfers to park there as most parents would drop students off and not park their cars.

Councilmember Burt expressed concern regarding the number of parking spaces and if that number would accommodate staff and parents at peak pickup and/or drop off times.

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-10-**

Councilmember Peterson stated she appreciated and agreed with the concept of developing the property and being a partner. She indicated this would be an ideal use for the subject property.

Councilmember Winder inquired regarding signage for the school and Mr. Sibbett responded regarding the type and location of a sign.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing. (Refer to Item No. 12555)

12555      **RESOLUTION NO. 06-18, DECLARE A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 4420 LINKS DRIVE TO BE SURPLUS AND APPROVE A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO MICHAEL AND JOYCE SIBBETT**

The City Council previously held a public hearing regarding proposed Resolution No. 06-18 which would declare a parcel of property located at approximately 4420 Links Drive to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to Michael and Joyce Sibbett.

After discussion, Councilmember Peterson moved to approve Resolution No. 06-18, A Resolution Declaring a Parcel of Property Located at Approximately 4420 Links Drive to be Surplus and Approving a Real Estate Purchase Agreement Authorizing its Sale to Michael and Joyce Sibbett. Councilmember Burt seconded the motion. (Refer to Item No. 12554)

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	No
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

Councilmember Brooks expressed approval of the idea of the pre-school/daycare and stated it would be a great addition to the community; however, he believed this was a small parcel and there were 20 acres to the north that should have also been considered. He stated we needed to determine how to best use the 20 acres in the future.

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-11-**

Mayor Nordfelt stated he agreed City staff should look at long term planning for the property at the Golf Course and possibly consider making the Course smaller in size.

Councilmember Vincent stated a discussion had previously taken place regarding the possibility of a hotel and/or restaurant on the Golf Course and if that happened vacant property there could still accommodate that type of development.

Councilmember Winder stated this would be a good use and the buyers had been willing to pay a fair price for the land. He indicated the idea of a master plan for the remaining property seemed to be a good suggestion.

12556

**RESOLUTION NO. 06-19, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SOUTH SALT LAKE CITY, SOUTH JORDAN CITY, MURRAY CITY, SANDY CITY, WEST JORDAN CITY, MIDVALE CITY AND BLUFFDALE CITY (METRO FIRE AGENCY)**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 06-19 which would approve an Interlocal Cooperation Agreement with South Salt Lake City, South Jordan City, Murray City, Sandy City, West Jordan City, Midvale City and Bluffdale City regarding the Metro Fire Agency.

Mr. Isaac stated the proposed Interlocal Cooperation Agreement would authorize the City's Fire Department to continue its membership with the Metro Fire Agency. He also stated the Agency had been formed to assist in furthering the protection of citizens of their respective cities in order to provide adequate emergency services for some of its 911 responses.

The Acting City Manager reported functional consolidation allowed for municipal fire departments to share personnel and equipment at emergency scenes because departments from various cities had agreed to standard procedures for incident command, training, apparatus and equipment, and communications. He also reported such procedures would lend themselves to safe and competent emergency responses. Functional consolidation also improved the ability of formal organized fire departments to provide a higher level of fire prevention, fire investigation, and public safety services in their respective communities.

Councilmember Burt expressed concerns regarding some of the terms of the proposed agreement. Other members of the Council expressed favorable opinions regarding the proposal.

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-12-**

Acting City Manager, Paul Isaac, answered questions regarding the current members of the Board of Directors of the Metro Fire Agency.

After further discussion, Councilmember Brooks moved to approve Resolution No. 06-19, A Resolution Approving an Interlocal Cooperation Agreement between West Valley City and South Salt Lake City, South Jordan City, Murray City, Sandy City, West Jordan City, Midvale City and Bluffdale City regarding the Metro Fire Agency. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	No
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

12557

**RESOLUTION NO. 06-23, EXPRESS STRONG OPPOSITION TO SENATE BILL 170, LAND USE AMENDMENTS, AND REQUEST SENATORS AND REPRESENTATIVES VOTE AGAINST THE BILL**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 06-23 which would express strong opposition to Senate Bill 170, Land Use Amendments, and request Senators and Representatives vote against the Bill.

Mr. Isaac stated due to the timeliness of this issue it had been added to the Agenda for this Meeting.

Mr. Isaac further explained Senate Bill 170 included the following:

1. Took away and disregarded the opportunity for public input to the City's/County's elected officials on a zone change on an individual parcel of land, even though such a change might have significant effect on neighbors and adjacent landowners.
2. Seriously compromised the ability of local elected officials to balance the interests of developers and neighbors in making essential land use decisions.

## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-13-

3. Gave the development community the ability to control the development process in our community and established intimidating penalties for officers and employees of the City/County, both criminal and civil, for failure to comply with that process.
4. Presented difficult to impossible time lines for the City's/County's consideration of land use decisions under pressure of an automatic approval if those time frames were not met.
5. Eliminated the City's/County's ability to plan long term through its General Plan.
6. Eliminated the City's/County's ability to provide for the protection of surrounding property values by imposing conditions for such protection according to the development proposal.
7. Gave a complete presumption of validity to the decisions of experts used by the developer to validate a development request, unless rebutted by a City expert.
8. Required the re-evaluation and drafting of all the City's County's Capital Facilities Plans for all impact fees in six months from that date of the passage of the bill to include new requirements regarding infrastructure valuation.

Acting City Manager, Paul Isaac, answered questions from members of the City Council regarding staff and lobbyist efforts to stop the passage of the Bill.

Mayor Nordfelt read aloud the proposed Resolution for benefit of citizens and scouts in attendance at the meeting.

After further discussion, Councilmember Burt moved to approve Resolution No. 06-23, A Resolution of the City Council Expressing Strong Opposition to Senate Bill 170, Land Use Amendments, and Requesting Senators and Representatives Vote Against the Bill. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-14-**

Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

Upon further discussion, the City Council instructed signed copies of Resolution No. 06-23 be sent to legislators.

12558

**APPLICATION NO. S-29-2005, JORDAN BANGERTE, MEADOW BREEZE NO. 3 SUBDIVISION – PLAT AMENDMENT, FINAL PLAT APPROVAL, ‘R-1-8’ ZONE, 6120 WEST 3500 SOUTH**

Acting City Manager, Paul Isaac, presented Application No. S-29-2005, filed by Jordan Bangerter, requesting final plat approval for Meadow Breeze No. 3 Subdivision – Plat Amendment located at 6120 West 3500 South.

Mr. Isaac stated the subject subdivision had been recorded with the Salt Lake County Recorder’s Office in November of 2005. He indicated the amendment would simply divide Lot 319 into an additional building lot. Both lots were well in excess of the frontage and area requirements of the ‘R-1-8’ zone.

The Acting City Manager indicated as the Meadow Breeze No. 3 Subdivision was nearing completion the property owner of Lot 319 (which is different from the applicant) determined he would like to create an additional building lot. Because Mr. Bangerter was ready to record the Meadow Breeze No. 3 Subdivision, both parties determined it would be better to propose an amendment of the subdivision rather than prolong the recording of the subdivision.

Mr. Isaac explained the Amended Plat had been submitted for the City’s review and approval. He also explained Lot 319, as recorded, contained 46,846 square feet. He indicated there was an existing dwelling that would remain as part of Lot 319A. Mr. Isaac stated frontage for both of the lots would be gained from 3500 South.

The Acting City Manager stated all requirements and City approvals of the Meadow Breeze No. 3 Subdivision would apply to the subject application as well. He further stated this would include ground water information and UDOT approval for access to 3500 South.

After discussion, Councilmember Peterson moved to approve Application No. S-29-2005, filed by Jordan Bangerter, and give final plat approval for Meadow

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-15-**

Breeze No. 3 Subdivision - Plat Amendment located at 6120 West 3500 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

12559

**APPLICATION NO. S-17-2005, CODY ROBERTS, HUNTER ESTATES SUBDIVISION, FINAL PLAT APPROVAL, 'R-1-8' ZONE, 3413 WEST 3100 SOUTH**

Acting City Manager, Paul Isaac, presented Application No. S-17-2005, filed by Cody Roberts, requesting final plat approval for Hunter Estates Subdivision located at 3413 West 3100 South.

Mr. Isaac stated the subject Plat consisted of three lots on 1.15 acres. Lot 1 was approximately 16, 252 square feet and contained an existing dwelling. Proposed new lots were 16,574 and 17,786 square feet and would be accessed via a private driveway. All frontage and area requirements relating to the flag lot subdivision would be met as part of the subject application.

The Acting City Manager reported access to the subdivision would be gained from 3100 South. Dedication and street improvements to that road had been made by the City some years ago. He also reported the applicant would need to coordinate the new drive approach with the Engineering Division prior to construction of the new dwellings.

Mr. Isaac stated as with all new subdivision development there was a concern with the potential of ground water impacts. The applicant had requested the soils report for the Ivy Park Subdivision (immediately to the east) be allowed to establish the basement depth of the new dwellings. That report indicated ground water had been encountered at a depth of 5.0 to 6.5 feet below the surface. He stated if the developer wanted a basement lower than 2.0 feet, a new soils report would be required. The new report would need to be reviewed by the City Engineering Division prior to plat recordation.

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-16-**

The Acting City Manager stated the developer would need to meet requirements of the Fire Department. A fire hydrant would need to be located within 250 feet of the back dwelling which might necessitate installation of a new hydrant. He further stated a hammerhead would be installed to facilitate emergency vehicle turnaround. The configuration of said hammerhead would need to be approved by the Fire Department.

After discussion, Councilmember Brooks moved to approve Application No. S-17-2005, filed by Cody Roberts, and give final plat approval for Hunter Estates Subdivision located at 3413 West 3100 South. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

12560

**APPLICATION NO. S-23-2005, IVORY HOMES, VALLEY FIELDS NO. 3 SUBDIVISION, FINAL PLAT APPROVAL, 10.9 ACRES, 34 LOTS, ‘R-1-10’ ZONE, 4435 SOUTH 6400 WEST**

Acting City Manager, Paul Isaac, presented Application No. S-23-2005, filed by Ivory Homes, requesting final plat approval for Valley Fields No. 3 Subdivision located at 4435 South 6400 West.

Mr. Isaac stated Phase 3, as with previous phases, would be guided by a recorded Development Agreement. He explained a development agreement was the instrument that would create a community with larger lots, unique housing plans and architectural requirements. He advised a copy of design guidelines had been included in the Council’s agenda packets.

The Acting City Manager explained the proposed subdivision contained 34 lots on approximately 10.98 acres with lots ranging from 10,003 to 15,326 square feet. He indicated the average lot size would be slightly over 11,000 square feet.



## **MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-17-**

Mr. Isaac stated access to the subdivision would be gained from stub streets in previous phases of Valley Fields to the north and east. All streets would be dedicated and improved with a 56 foot right-of-way. He indicated that cross section would allow for a six foot park strip to enhance the streetscape of the subdivision.

The Acting City Manager reported the subject property sloped from the southwest to the northeast. He further stated although the slope of the property was not likely to be a major problem, it could create potential problems for new home owners. While grading of the site would lessen the potential for problems, staff would require a grading plan for all new dwellings accompany the building permit. He indicated this would help to mitigate surface water problems for new home owners.

Mr. Isaac stated the developer would be responsible to coordinate the availability of all utilities for the subdivision. In the case of water and sewer, Granger-Hunter Improvement District had notified staff water was available and the booster pump at the Breeze tank was operational. He further stated it was staff's understanding the sewer system proposed for previous phases would accommodate this phase as well. He indicated the applicant would need to coordinate this matter with Granger-Hunter Improvement District.

The Acting City Manager explained one of the key components regarding water service for the area was an agreement between Kearns Improvement District and Granger-Hunter Improvement District. The subject agreement would allow a cross connection between the two Districts at 4700 South and 6400 West in order to provide additional water should there be problems at the Breeze tank. The subject agreement had been approved by both Districts and it was City staff's understanding Ivory Homes was aware of the provisions of that agreement.

Mr. Isaac reported that during the preliminary phases of the Vistas Subdivision a geotechnical report had been submitted. The report indicated subsurface water had not been encountered in the area of the subdivision. Although ground water had not been encountered the existence of sub-surface water further to the south had proven to be quite unique. To ensure this phase would not be impacted with round water the developer would need to continue coordinating this matter with the City's Engineering Division.

The Acting City Manager stated the proposed subdivision was located in the outer ring of the Overpressure Zone. He also stated City ordinance would require

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-18-**

certain construction standards, specifically stronger windows be applied for new dwellings in that zone.

Mr. Isaac indicated that during preliminary hearings, staff noted the subject area was likely to be subject to potential impacts from the manufacturing uses to the south and from the USANA Amphitheater. The Development Agreement had been modified to reflect those concerns. He further indicated, as a result, a note would be placed on the plat identifying the subdivision as an area that might be subject to noise from the USANA Amphitheater and from noise and odors associated with manufacturing uses.

The Acting City Manager stated the western boundary of the subdivision was adjacent to 6400 West. He further stated Ivory Homes would be installing a concrete post and panel wall. He reported the Planning Commission had approved the panel wall during their final review of the plat.

After discussion, Councilmember Vincent moved to approve Application No. S-23-2005, filed by Ivory Homes, and give final plat approval for Valley Fields No. 3 Subdivision located at 4435 South 6400 West. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

12561

**APPLICATION NO. S-24-2005, IVORY HOMES, WESTRIDGE ESTATES NO. 2 SUBDIVISION, FINAL PLAT APPROVAL, 11.2 ACRES, 35 LOTS, 'R-1-10' ZONE, 5065 SOUTH 5600 WEST**

Acting City Manager, Paul Isaac, presented Application No. S-24-2005, filed by Ivory Homes, requesting final plat approval for Westridge Estates No. 2 Subdivision located at 5065 South 5600 West.

Mr. Isaac stated lots ranged from 7,500 square feet to 14,601 square feet and, although zoned 'R-1-7,' the average lot size would be 9,910 square feet.

## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-19-

The Acting City Manager reported that as part of the purchase agreement between the City and applicant, a Development Agreement had been recorded. The Agreement would ensure the community would have a combination of varying lot sizes, streetscape improvements and upscale housing standards. He stated a copy of the Design Guidelines would be attached and made a part of the Agreement.

Mr. Isaac indicated access to this phase of the development would be gained from 5600 West and from Silver Hills Drive to the south. Internal streets would be designed with a 54 foot right-of-way. This would allow for a five foot sidewalk and five foot park strip. As Ivory Homes had done in previous subdivision, these areas would be planted with a specific tree variety.

The Acting City Manager stated the cross section for 5600 West would be a 63 foot half width, six foot sidewalk, and a 14 foot landscaped area. In addition, lots backing 5600 West would have a decorative masonry wall. Mr. Isaac further stated the masonry wall had been approved by the Planning Commission during the preliminary plat process. The landscape plans along 5600 West were still being designed and those plans would be coordinated between staff and the Parks and Recreation Department.

Mr. Isaac reported that subsequent to the preliminary plat approval, the Granite School District had consented to dedicate Silver Hills Drive. The dedication plat had been approved by the Planning Commission and City Council. He stated staff was processing the plat which would likely be recorded in the near future. The improvements along this right-of-way would be coordinated between Ivory Homes and the School District. Improvements would commence at the end of the school year to help avoid potential safety problems.

The Acting City Manager indicated the subject phase of Westridge Estates had a substantial amount of slope. The existing slopes would create a challenge for street grades and storm water drainage. The developer had been coordinating these issues with the Public Works Department.

Mr. Isaac reported the proposed subdivision was located in the outer ring of the Overpressure Zone. He also reported City ordinance would require certain construction standards be applied for all new dwellings. He indicated Ivory Homes was familiar with the standards from previously building in the Bridle Farms Subdivision.

## MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006

-20-

The Acting City Manager stated a geotechnical report had been prepared for the subdivision. The report indicated ground water had not been encountered to a depth of 12 feet. A copy of that report and recommendations had been provided to the City Engineering Division and the Building Official.

Mr. Isaac stated the subdivision would be located in an area that would likely yield additional traffic and increased noise from the nearby amphitheater. He further stated as part of the City's purchase agreement, Ivory Homes would engage a qualified sound engineer to evaluate the impacts. Depending upon the outcome of that study, Ivory Homes had committed to install mitigation devices or improvements recommended by the engineer.

The Acting City Manager indicated the subdivision was located south but adjacent to the West Ridge Golf Course. Although the distance was fairly substantial from the 5<sup>th</sup> hole fairway; there might be errant golf shots that could affect Lots 206-212. As had been done in other subdivisions adjacent to golf courses, the Parks and Recreation Department would monitor that situation. Mr. Isaac stated there might be a need for some type of fencing in the future.

Upon discussion, members of the City Council inquired who paid for mitigation and/or damages due to errant golf balls. City Attorney, Richard Catten, answered specific legal questions and stated a note would be placed on the plat regarding the Golf Course. Members of the City Council expressed the need to make determinations and decisions now rather than later.

Mr. Gonzalo Stevens, Ivory Homes, 978 East Woodoak Lane, Salt Lake City, addressed the City Council. Mr. Stevens indicated he did not have the plat with him; but there were some lots affected. He stated currently there was a chain link fence owned by the City that encroached on the property. He further stated there had been discussions regarding leaving the fence or moving it at the City's expense.

Acting City Manager, Paul Isaac, inquired regarding elevation of the affected lots and how high the net would need to be to stop errant golf balls. Mayor Nordfelt suggested this matter be dealt with soon and the solutions worked out with Ivory Homes.

Upon further discussion, Acting City Manager, Paul Isaac, stated he was clear on the direction expressed by the City Council and this matter would be resolved.

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-21-**

Councilmember Vincent stated this problem would occur on other areas of the development so a plan should be put in place. Acting City Manager, Paul Isaac, stated he would work with staff to develop such a plan and advise the Council at a future date.

After further discussion, Councilmember Vincent moved to approve Application No. S-24-2005, filed by Ivory Homes and give final plat approval for Westridge Estates No. 2 Subdivision located at 5065 South 5600 West. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

12562

**CONSENT AGENDA:**

**A. RESOLUTION NO. 06-20, ACCEPT TWO WARRANTY DEEDS FROM LYNDON G. JONES AND STACY H. JONES, 2115 SOUTH AND 2139 SOUTH 7200 WEST**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 06-20 which would accept two Warranty Deeds from Lyndon G. Jones and Stacy H. Jones for property located at 2115 South and 2139 South 7200 West.

Mr. Isaac stated Lyndon G. Jones and Stacy H. Jones had signed the two Warranty Deeds.

The Acting City Manager reported Lyndon and Stacy Jones were in the process of developing two adjoining properties for the Construction Material Recycling Project to be located at 2115 South 7200 West. He further reported as a condition of obtaining a building permit, dedication of a portion of 7200 West to a 40 foot half width had been required.

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**

**-22-**

- B. RESOLUTION NO. 06-21, ACCEPT WARRANTY DEED FROM LOUIS D. TAYLOR AND JOSEPHINE B. TAYLOR, 3982 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**  
Acting City Manager, Paul Isaac, presented proposed Resolution No. 06-21 which would accept a Warranty Deed from Louis D. Taylor and Josephine B. Taylor for property located at 3982 South 3600 West regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Isaac stated Louis D. Taylor and Josephine B. Taylor had signed the Warranty Deed.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He indicated the owners had requested installation of an optional packing pocket in front of their property and the Deed would donate the additional right-of-way necessary to install that pocket.

- C. RESOLUTION NO. 06-22, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LOUIS D. TAYLOR AND JOSEPHINE B. TAYLOR, 3982 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 06-22 which would accept a Grant of Temporary Construction Easement from Louis D. Taylor and Josephine B. Taylor for property located at 3982 South 3600 West regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Isaac stated Louis D. Taylor and Josephine B. Taylor had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He also reported compensation for the easement would be in the amount of \$200.00, which easement would expire December 31, 2007.

After discussion, Councilmember Burt moved to approve Resolution Nos. 06-20, 06-21 and 06-22 as listed on the Consent Agenda. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2006**  
**-23-**

Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 7, 2006, WAS ADJOURNED AT 7:45 P.M. BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, February 7, 2006.

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Sheri McKendrick, CMC  
City Recorder